

PATENT Attorney Docket No.: 2920(203-3753)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):

Robert H. Wham et al.

Examiner:

To Be Assigned

Serial No.:

10/719,305

Group: Art Unit 3762

Filed:

November 21, 2003

Dated:

November 3, 2004

For:

AUTOMATIC CONTROL SYSTEM FOR AN ELECTROSURGICAL GENERATOR

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to Applicant(s) duty of disclosure, the information listed in the attached form PTO-1449 is brought to the attention of the Examiner. It is respectfully submitted that copies of the U.S. references listed are not required since this application was filed after June 30, 2003 pursuant to 51 C.F.R. §1.98. Copies of foreign references and publications listed are enclosed.

Applicant would like to bring commonly-owned U.S. Application No. 08/848,038 filed on April 28, 1997; International Application No. PCT/US03/14155 filed on May 6, 2003; International Application No. PCT/US03/28537 filed December 29, 2003; U.S. Application No. 10/728,212 filed December 4, 2003; U.S. Application No. 10/718,114 filed on November 20, 2003; International Application No. PCT/US03/33711 filed October 23, 2003; International Application No. PCT/US03/33832 filed October 23, 2003;

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 3, 2004

Dated: November 3, 2004

Edward C. Meagher

U.S. Application No. 10/919,613; U.S. Application No. 10/835,657; International Application No. PCT/US03/37310 to the Examiner's attention. Copies of these applications are enclosed.

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

- [] This information disclosure statement is being filed within three (3) months of the filing date of this application.
- [] This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application.
- [X] To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.
- [] Enclosed herewith is a certificate under 37 C.F.R. §1.97(e)(1).
- [] Enclosed herewith is a petition under 37 C.F.R. §1.97(d)(ii).

- [] Enclosed by check is the petition fee of \$130.00. (37 C.F.R. §1.17(i)(1))
- [] Please charge the \$130.00 petition fee to Deposit Account No. 21-0550.
- [] Enclosed by check is the \$180.00 fee required by 37 C.F.R. §1.17(p).
- [] Please charge the \$180.00 fee required by 37 C.F.R. §1.17(p) to Deposit Account No. 21-0550.
- [X] Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 21-0550. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 21-0550 therefor.

The claims of the application as now presented are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of the case is respectfully requested.

Respectfully submitted,

Edward C. Meagher Reg. No. 41,189

Attorney for Applicant(s)

Carter, DeLuca, Farrell & Schmidt, LLP 445 Broad Hollow Road Suite 225 Melville, New York 11747

Tel.: (631) 501-5700 Fax: (631) 501-3526

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INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

Docket Number (Optional) 2920(203-3753) Application Number 10/719,305

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Applicant Wham et al.

(Use several sheets if necessary)

Filing Date Group Art Number
November 21, 2003 3762

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	RE 33,420	Nov. 6, 1990	Marvin L. Sussman	0.200	30001000	/ ippropriate
	RE 36,871	Sept. 12, 2000	Paul Epstein			
	1,787,709	Jan. 6, 1931	F.C. Wappler			
	1,813,902	Jul. 14, 1931	W.T. Bovie			
	1,841,968	Jan. 19, 1932	N.H. Lowry			
	1,863,118	Jun. 14, 1932	J.G.H. Liebel			-
	1,945,867	Feb. 6, 1934	P.C. Rawls			
	2,827,056	Mar. 18, 1958	J. Degelman			
,	2,849,611	Aug. 26, 1958	R.P. Adams			
	2,982,881	May 2, 1961	R.W. Reich			
	3,058,470	Oct. 16, 1962	E. Seeliger et al.			
	3,089,496	May. 14, 1963	J. Degelman			
	3,163,165	Dec. 29, 1964	Humio Islikawa			
	3,252,052	May. 17,1966	F.M. Nash			
	3,391,351	Jul. 2, 1968	D. W. Trent			
	3,402,326	Sept. 17, 1968	R.A. Guasco et al.			
	3,413,480	Nov. 26, 1968	J.R. Biard et al.			
	3,436,563	Apr. 1, 1969	W.M. Regitz			
	3,439,253	Apr. 15, 1969	M.J. Piteo			
	3,439,680	Apr. 22, 1969	E.R. Thomas Jr.			
	3,461,874	Aug. 19, 1969	M. Martinez			
	3,471,770	Oct. 7, 1969	K. E. Haire			
	3,478,744	Nov. 18, 1969	H. Leiter			
	3,486,115	Dec. 23, 1969	D. J. Anderson			
	3,495,584	Feb. 17, 1970	A. W. Schwalm			
	3,513,353	May. 19, 1970	J. L. Lansch			
	3,514,689	May 26, 1970	R. Giannamore			
	3,515,943	Jun. 2, 1970	Warrington			
	3,551,786	Dec. 29, 1970	J.L. Van Gulik			
Examiner				Date C	onsidered	i

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

		without reference			2	of	16
Form PTO-14	149		Docket Number (Optional) 2920(203-3753)		Application 10/719,		
INFOR	MATION DISCLOSUR	E CITATION	2020(200 0100)		10/110,	500	
	IN AN APPLICATIO	ON	Applicant Wham et al.				
	(Use several sheets if nece	essary)	Filing Date November 21, 2003		Group Art Number 3762		
		U.S. PATEN	T DOCUMENTS				
Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Da if Appropr	
	3,562,623	Feb. 9, 1971	Robert P. Farnsworth				٠
	3,571,644	Mar. 23, 1971	Albert Jakoubovitch			_	
	3,589,363	Jun. 29, 1971	Anton Banko				
	3,595,221	Jul. 27, 1971	John Harold Blackett				
.,,-,	3,601,126	Aug. 24, 1971	Jerry R. Estes		-	<u> </u>	
	3,611,053	Oct. 5, 1971	William G. Rowell				
	3,641,422	Feb. 18, 1972	Farnsworth et al.				
	3,662,151	May. 9, 1972	Paul C. Haffey				
	3,675,655	Jul. 11, 1972	Weldon Rex Sittner				
	3,683,923	Aug. 15, 1972	Robert K. Anderson				
	3,693,613	Sept. 26, 1972	Charles Kelman				
	3,697,808	Oct. 10, 1972	Joo Chan Lee				
	3,699,967	Oct. 24, 1972	Robert K. Anderson				
	3,720,896	Mar. 13, 1973	Reiner Bierlein				
	3,743,918	Jul. 3, 1973	Guy Maitre				
	3,766,434	Oct. 16, 1973	Stanley A. Sherman				
	3,768,482	Oct. 30, 1973	Robert F. Shaw			-	
	3,783,340	Jan. 1, 1974	Richard S. Becker				
	3,784,842	Jan. 8, 1974	Frederic B. Kremer				
	3,801,766	Apr. 2, 1974	Charles F. Morrison, Jr.				
	3,801,800	Apr. 2, 1974	David W. Newton				
	3,812,858	May. 28, 1974	Maurice Jules Oringer				
	3,815,015	Jun. 4, 1974	Swin et al.	i			•
	3,826,263	Jul. 30, 1974	John M. Cage et al.				
	3,828,768	Aug. 13, 1974	David W. Douglas				
	3,848,600	Nov. 19, 1974	C. T. Patrick, Jr., et al.			-	
	3,870,047	Mar. 11, 1975	Donald I. Gonser				
	3,875,945	Apr. 8, 1975	Joshua Friedman				
	3,885,569	May. 27, 1975	Donald W. Judson				
	3,897,787	Aug. 5, 1975	Yuji Ikuno et al.				
Examiner				Date C	onsidere	d	
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INFORM		F CITATION	Docket Number (Optional) 2920(203-3753)		Application 10/719,3		
		INFORMATION DISCLOSURE CITATION			,	,0J	
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TIC DATE			Filing Date November 21, 200	3	Group Art Number 3762		
	,	U.S. PATEN	T DOCUMENTS				
Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriat	
	3,897,788	Aug. 5, 1975	David W. Newton				
	3,901,216	Aug. 26, 1975	Milton R. Felger				
	3,905,373	Sept. 16, 1975	Donald I. Gonser				
	3,913,583	_Oct. 21, 1975	William T. Bross				
	3,923,063	Dec. 2, 1975	Stephen Andrews et al.				
	3,933,157	Jan. 20, 1976	Per Henrik Bjurwill et al.				
	3,946,738	Mar. 30, 1976	David W. Newton et al.				
	3,952,748	Apr. 27, 1976	Kaliher et al.				
	3,963,030	Jun. 15, 1976	David W. Newton				
	3,964,487	Jun. 22, 1976	Donald W. Judson				
	3,971,365	Jul. 27, 1976	Leland B. Smith				
	3,980,085	Sept. 14, 1976	Yuji Ikuno				
	4,005,714	Feb. 1, 1977	Siegfried Hilebrandt				
	4,024,467	May 17, 1977	Andrews et al.				
	4,041,952	Aug. 16, 1977	C. Morrison, Jr. et al.				
	4,051,855	Oct. 4, 1977	Max Schneiderman			-	
	4,063,557	Dec. 20, 1977	David G. Wuchinich et al.				
	4,074,719	Feb. 21, 1978	Kurt Semm				
	4,092,986	Jun. 6, 1978	Max Schneiderman				
	4,094,320	Jun. 13, 1978	David W. Newton et al.				
	4,102,341	Jul. 25, 1978	Yuzi Ikuno et al.				
	4,114,623	Sept. 19, 1978	Hans Meinke et al.				
	4,121,590	Oct. 24, 1978	Donald I. Gonser				
	4,123,673	Oct. 31, 1978	Donald I. Gonser				
	4,126,137	Nov. 21, 1978	G. Kent Archibald				
	4,145,636	Mar. 20, 1979	S.Doi				
	4,188,927	Feb. 19, 1980	Frank W. Harris				
	4,191,188	Mar. 4, 1980	Kenneth W. Belt et al.				
	4,196,734	Apr. 8, 1980	Frank W. Harris				
	4,200,104	Apr. 29, 1980	Frank W. Harris				
	4,200,105	Apr. 29, 1980	Donald I. Gosner				
Examiner				Date C	onsidere	d	

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Form PTO-14	149		Docket Number (Optional) 2920(203-3753)		Application 10/719,3		
INFORI	MATION DISCLOSUR	E CITATION					
	IN AN APPLICATION	N	Applicant				
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,	(Use several sheets if nece	essary)	Filing Date		Group Art N	lumber	
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		U.S. PATEN	T DOCUMENTS				
Examiner	Document		N	<u></u>		Filing Da	
Initial	Number	Date	Name	Class	Subclass	if Appropr	iate
	4,209,018	Jun. 24, 1980	Hans Meinke et al.				
	4,231,372	Nov. 4, 1980	David W. Newton				
	4,232,676	Nov. 11, 1980	Andrew Herczog				
	4,237,887	Dec. 9, 1980	Donald I. Gosner	<u> </u>			
	4,237,891	Dec. 9, 1980	Ronald A. DuBose et al.				
	4,281,373	Jul. 28, 1981	Pierre Mabille				· _
	4,287,557	Sep. 1, 1981	Robert F. Brehse				
	4,303,073	Dec. 1, 1981	G. Kent Archibald				
	4,311,154	Jan. 19, 1982	Sterzer et al.				
	4,314,559	Feb. 9, 1982	Richard E. Allen				
	4,321,926	Mar. 30, 1982	Ralph R. Roge				
	4,334,539	Jun. 15, 1982	Warren L. Childs et al.				
	4,343,308	Aug. 10, 1982	Robert D. Gross				
	4,372,315	Feb. 8, 1983	Julius Shapiro et al.				
	4,376,263	Mar. 8, 1983	Pittroff et al.				
	4,378,801	Apr. 5, 1983	Roger L Oosten				
	4,384,582	May. 24, 1983	John H. Watt				
	4,397,314	Aug. 9, 1983	Vaguine			-	
	4,407,272	Oct. 4, 1983	Tatuya Yamaguchi				
	4,411,266	Oct. 25, 1983	Eric R. Cosman				
	4,416,276		David W. Newton et al.				
	4,416,277	Nov. 22, 1983	David W. Newton et al.				
	4,437,464	Mar. 20, 1984	James J. Crow				
	4,452,546	Jun. 5, 1984	S. Hiltebrandt et al.				
	4,463,759	Aug. 7, 1984	Jon C. Garito et al.				
	4,470,414	Sept. 11, 1984	Kyoshiro Imagawa et al.				
	4,472,661	Sep. 18, 1984	Clifford T. Culver				
	4,474,179	Oct. 2, 1984	Rainer Koch				
	4,492,231	Jan. 8, 1985	David C. Auth				
	4,492,832	Jan. 8, 1985	Glenn N. Taylor	-			
Examiner		34 0, 1000	Olominit. Taylor	Date C	Considere	d	
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Form PTO-14	149		Docket Number (Optional) 2920(203-3753)		Application 10/719,	
INFOR	MATION DISCLOSUR	E CITATION	2920(200-3130)		10//19,	J03
	IN AN APPLICATION		Applicant			
			Wham et al.			
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		,	November 21, 200	3	C.Cup / C.C.	3762
		U.S. PATEN	T DOCUMENTS			
Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	4,494,541	Jan. 22, 1985	G. Kent Archibald			
	4,514,619	Apr. 30, 1985	Michael M. Kugelman			
	4,520,818	Jun. 4, 1985	Stanley Mickiewicz			
	4,559,943	Dec. 24, 1985	William J. Bowers			
	4,565,200	Jan. 21, 1986	Eric R. Cosman			
	4,566,454	Jan. 28, 1986	Thomas L. Mehl et al.			
	4,569,345	Feb. 11, 1986	Michael R. Manes	-		
	4,576,177	Mar. 18, 1986	Webster Jr.			
	4,582,057	Apr. 15, 1986	Dacid C. Auth et al.			
	4,590,934	May. 27, 1986	Jerry L. Malis et al.			
	4,608,977	Sep. 2, 1986	Brown			
	4,630,218	Dec. 16, 1986	James R. Hurley			
	4,632,109	Dec. 30, 1986	William G. Patterson			
	4,644,955	Feb. 24, 1987	P. Mioduski			,,
	4,646,222	Feb. 24, 1987	Chihiro Okado et al.			
	4,651,264	Mar. 17, 1987	Shiao-Chung Hu			
	4,651,280	Mar. 17, 1987	Chang et al.			
	4,657,015	Apr. 14, 1987	Warner Irnich			
	4,658,815	Apr. 21, 1987	Gunter Farin et al.			
	4,658,819	Apr. 21, 1987	Frank W. Harris et al.			
	4,658,820	Apr. 21, 1987	Michael S. Klicek			
	4,662,383	May 5, 1987	Sogawa et al.			
	4,712,559	Dec. 15, 1987	Paul F.Turner			
	4,727,874	Mar. 1, 1988	William J. Bowers et al.			
	4,735,204	Apr. 5, 1988	Marvin L. Sussman et al.			
	4,739,759	Apr. 26, 1988	F. W. Rexroth et al.			
	4,741,334	May. 3, 1988	Werner Irnich			
	4,754,757	Jul. 5, 1988	Peter Feucht			
	4,805,621	Feb. 21, 1989	Heinze et al.			
	4,818,954	Apr. 4, 1989	Flachenecker et al.			
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citation if n	ot in conformance and not con	sidered. Include co	py of this form with next cor	nmunicati	ion to the ap	plicant.

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Form PTO-14	149		Docket Number (Optional)		Application 10/719,3		
INFORI	MATION DISCLOSUR	E CITATION	2920(203-3753)		10//19,	505	
	IN AN APPLICATION	NC	Applicant		.		
			Wham et al.				
	(Use several sheets if nece	essary)	Filing Date		Group Art Number		
	-		November 21, 200)3		3762	
		U.S. PATEN	T DOCUMENTS				
Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Da if Appropr	
	4,827,911	May. 9, 1989	Alan Broadwin et al.				
	4,827,927	May. 9, 1989	David W.Newton				
	4,832,024	May 23, 1989	Boussignac et al.				
	4,848,355	Jul. 18, 1989	Yasuhiro Nakamura et al.				
	4,860,745	Aug. 29, 1989	Gunter Farin et al.				
	4,862,889	Sept. 5, 1989	Peter Feucht				
	4,880,719	Nov. 14, 1989	Murofushi et al.				
	4,890,610	Jan. 2, 1990	L. T. Kirwan et al.				
	4,903,696	Feb. 27, 1990	Peter Stasz et al.				
	4,907,589	Mar. 13, 1990	Eric R. Cosman				
	4,922,210	May. 1, 1990	G. Flachenecker et al.				
	4,931,047	Jun. 5, 1990	Alan Broadwin et al.				
	4,931,717	Jun. 5, 1990	Randall C. Gray et al.				
	4,938,761	Jul. 3, 1990	Frieder H. Ensslin				
	4,942,313	Jul. 17, 1990	Helmut Kinzel				
	4,961,047	Oct. 2, 1990	Timothy J. Carder				
	4,961,435	Oct 9, 1990	Kitagawa et al.				
	4,966,597	Oct. 30, 1990	Cosman				
	4,969,885	Nov. 13, 1990	Gunter Farin				
	4,993,430	Feb. 19, 1991	Shimoyama et al.				-
	4,995,877	Feb. 26, 1991	Felix Ams et al.				
	5,015,227	May. 14,1991	Alan Broadwin et al.				
	5,029,588	Jul. 9, 1991	Yock et al.				
	5,103,804	Apr. 14, 1992	Abele et al.				
	5,108,389	Apr. 28, 1992	Ioan Cosmescu				
	5,122,137	Jun. 16, 1992	Charles D. Lennox				
	5,133,711	Jul. 28, 1992	Alfred Hagen				
	5,151,102	Sept. 29, 1992	H. Kamiyama et al.			•	
	5,152,762	Oct. 6, 1992	Jay J. McElhenney				
	5,157,603	Oct. 20, 1992	Gregg D. Scheller et al.				
Examiner				Date C	onsidere	d	
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Form PTO-14	⁴⁹ MATION DISCLOSUR	E CITATION	Docket Number (Optional) 2920(203-3753)		Application 10/719,3	
	IN AN APPLICATION	ON	Applicant Wham et al.			
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		U.S. PATEN	T DOCUMENTS			
Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	5,160,334	Nov. 3, 1992	R. Gail Billings et al.			
	5,167,658	Dec. 1, 1992	Frieder H. Ensslin			
	5,190,517	Mar. 2, 1993	David A. Zieve et al.			
	5,196,009	Mar. 23, 1993	Lawerence T. Kirwan Jr.			
	5,201,900	Apr. 13, 1993	Paul C. Nardella			
	5,207,691	May. 4, 1993	Paul C. Nardella			•
	5,230,623	Jul. 27, 1993	Guthrie et al.			
	5,233,515	Aug. 3, 1993	Eric R. Cosman			
	5,267,994	Dec. 7, 1993	Gentelia et al.			***
	5,281,213	Jan. 25, 1994	Milder et al.			
	5,300,068	Apr. 5, 1994	George C. Rosar et al.			
	5,318,563	Jun. 7, 1994	Jerry L. Malis et al.			
	5,323,778	Jun. 28, 1994	Kandarpa et al.			
	5,324,283	Jun. 28, 1994	Helmut Heckele			
	5,330,518	Jul. 19, 1994	Neilson et al.			
	5,334,193	Aug. 2, 1994	Nardella			
	5,341,807	Aug. 30, 1994	Paul C. Nardella			
	5,342,356	Aug. 30, 1994	Alan G. Ellman			
	5,342,357	Aug. 30, 1994	Nardella			
	5,342,409	Aug. 30, 1994	Keith R. Mullett			
	5,348,554	Sep. 20, 1994	Imran et al.			
	5,370,645	Dec. 6, 1994	Michael S. Klicek et al.			
	5,370,672	Dec. 6, 1994	Kim R. Fowler et al.			
	5,370,675	Dec. 6, 1994	Edwards et al.			
	5,372,596	Dec. 13, 1994	Michael S. Klicek et al.			
	5,383,876	Jan. 24, 1995	Nardella			
	5,383,917	Jan. 24, 1995	Desai et al.			
	5,385,148	Jan. 31, 1995	Lesh et al.			
	5,396,062	Mar. 7, 1995	David K. Eisentraut et al.			
	5,400,267	Mar. 21, 1995	Dennis J. Denen et al.			
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	nitial if citation considered, w			-		-

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		U.S. PATEN	T DOCUMENTS			·	
Examiner	Document					Filing D	
Initial	Number	Date	Name	Class	Subclass	if Approp	riate
	5,403,311	Apr. 4, 1995	Abele et al.				
	5,403,312	Apr. 4, 1995	David C. Yates et al.				
	5,409,000	Apr. 25, 1995	Imran	<u> </u>			
-	5,409,006	Apr. 25, 1995	Buchholtz et al.		ļ		
	5,413,573	May. 9, 1995	John Koivukangas		<u> </u>		
	5,417,719	May. 23, 1995	Vincent W. Hull et al.	·			
	5,422,567	Jun. 6, 1995	Derek Matsunaga				
	5,423,808	Jun. 13, 1995	Stuart D. Edwards et al.				
	5,423,809	Jun. 13, 1995	Michael S. Klicek				
	5,423,810	Jun. 13, 1995	Nigel M. Goble et al.				
	5,430,434	Jul. 4, 1995	Gabor Lederer et al.				
	5,433,739	Jul. 18, 1995	Menno E. Sluijter et al.				
	5,434,398	Jul. 18, 1995	Samuel Goldberg				
	5,438,302	Aug. 1, 1995	Colin C. O. Goble				
	5,443,463	Aug. 22, 1995	Roger A. Stern et al.			,	
	5,451,224	Sept. 19, 1995	Nigel M. Goble et al.				
	5,458,597	Oct. 17, 1995	Edwards et al.				
	5,462,521	Oct. 31, 1995	Brucker et al.				
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			Wham et al.				
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